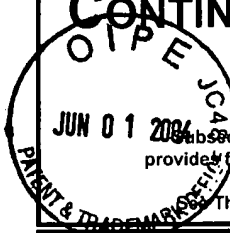


06-02-04 JFW RCE/632 CC

# REQUEST

FOR

## CONTINUED EXAMINATION (RCE) TRANSMITTAL



Section (b) of 35 U.S.C. § 132, effective on May 29, 2000, provided for continued examination of a utility or plant application filed on or after June 8, 1995. The American Inventors Protection Act of 1999 (AIPA).

Application Number	08/813,829
Filing Date	03/06/1997
First Named Inventor	Brigid L.M. Hogan
Group Art Unit	1632
Examiner Name	Woitach, Joseph T.
Attorney Docket Number	16016.0005US

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See *Changes to Application Examination and Provisional Application Practice*, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

### 1. Submission required under 37 C.F.R. § 1.114

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on  
Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on ]
- iii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☒ Other 1) Request For Interference Pursuant To 37 C.F.R. §§ 1.604 And 1.607 and 2) Request for Extension of Time (4 months)

### 2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37. C.F.R. § 1.103(c) for a period of \*\*\*\*\* months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other \*\*\*\*\*

### 3. Fees

- a. ☐ Check in the amount of \$\*\*\*\*\* enclosed for the fees designated below.
- b. ☒ Payment by credit card in the amount of \$ 1125.00 for the fees designated below. (Form PTO-2038 enclosed).  
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.
- c. ☐ The Director is hereby authorized to charge the amount of \$\*\*\*\* for the fees designated below to Deposit Account No. 14-0629.
- d. ☒ Fees
- ☒ RCE fee required under 37 C.F.R. § 1.17(e) 06/03/2004 CCHAU1 00000038 08813829
- ☒ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17) 02 FC:2801 385.00 OP
- ☐ Other \_\_\_\_\_
- e. ☒ The Director is hereby authorized to charge any underpayment or credit any overpayment to Deposit Account No. 14-0629.

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	David G. Perryman	Registration No. (Attorney/Agent)	33,438
Signature	<i>David G. Perryman</i>	Date	6-1-04

### CERTIFICATE OF EXPRESS MAILING UNDER 37 C.F.R. § 1.10

I hereby certify that this correspondence and any items indicated as attached or included [Choose one: are being deposited with the United States Postal Service as Express Mail, Label No. EL 9920 18835 US in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

Name of Person Mailing(Print/Type)	Phillip A. Van Gelder	Date	June 1, 2004
Signature	<i>Phillip A. Van Gelder</i>		



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re ~~Application~~ of

**Hogan, Brigid L.M.**

Application No. 08/813,829

Filing Date: March 6, 1997

For: STEM CELLS AND METHOD OF MAKING SAME

Art Unit: 1632

Examiner: Woitach, Joseph

Confirmation No. 3939

## AMENDMENT AND RESPONSE TO OFFICE ACTION

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
**Attn. Examiner Joseph Woitach,**  
**Art Unit 1632**

NEEDLE & ROSENBERG, P.C.  
Customer Number 23859

Sir:

Responsive to the Office Action mailed on June 30, 2003 and further to a Notice of Appeal filed December 1, 2003, please amend the application as follows.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this Amendment.

**Remarks** begin on page 3 of this Amendment.

This amendment is filed concurrently with a Request for Interference Under 37 C.F.R. §§ 1.604 and 1.607 with United States Patent Application Nos. 09/982,637 and 09/761,289, and with United States Patents 6,200,806 and 5,843,780 respectively.